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August 18, 2008

Mr. Thomas Martin
Associate Regional Counsel
Office of Regional Counsel
United States Environmental Protection Agency
Region V
77 West Jackson Blvd. (C-14J)
Chicago, Illinois 60604-3590

Re: ConocoPhillips Pipe Line Company—East St. Louis Terminal
Former Rogers Cartage Facility
3300 Mississippi Avenue, Cohokia, Illinois

Dear Tom:

It has been some time since we have spoken regarding the former Rogers Cartage facility in Cahokia, Illinois. In the past several months, my client, ConocoPhillips Pipe Line Company ("ConocoPhillips"), has been attempting to convince Rogers Cartage to agree to perform or fund the remediation of PCB contamination it caused on the property. Although there is no question that Rogers Cartage is the source of the contamination, Rogers Cartage has steadfastly refused to participate at all in the necessary cleanup.

As you may recall, the former Rogers Cartage facility encompasses approximately five acres on the southernmost portion of a 360-acre pipeline terminal property now owned by ConocoPhillips. As reflected in the enclosed lease agreement, Rogers Cartage had exclusive possession of the five-acre tract and operated the facility for bulk chemical transportation and storage for ten years, from May 1, 1960, through April 30, 1970. The former Rogers Cartage parcel has not been used or occupied since then.

We understand that Rogers Cartage washed PCB-containing trucks at the facility, storing wastewater generated from this process in large lagoons that have since been backfilled to grade. The highest concentrations of PCBs are in the presumed area of the former lagoons. Enclosed is report of a Shallow Soil Investigation that ConocoPhillips

performed at its own expense earlier this year showing the general extent of the soil contamination caused by the former Rogers Cartage operations.

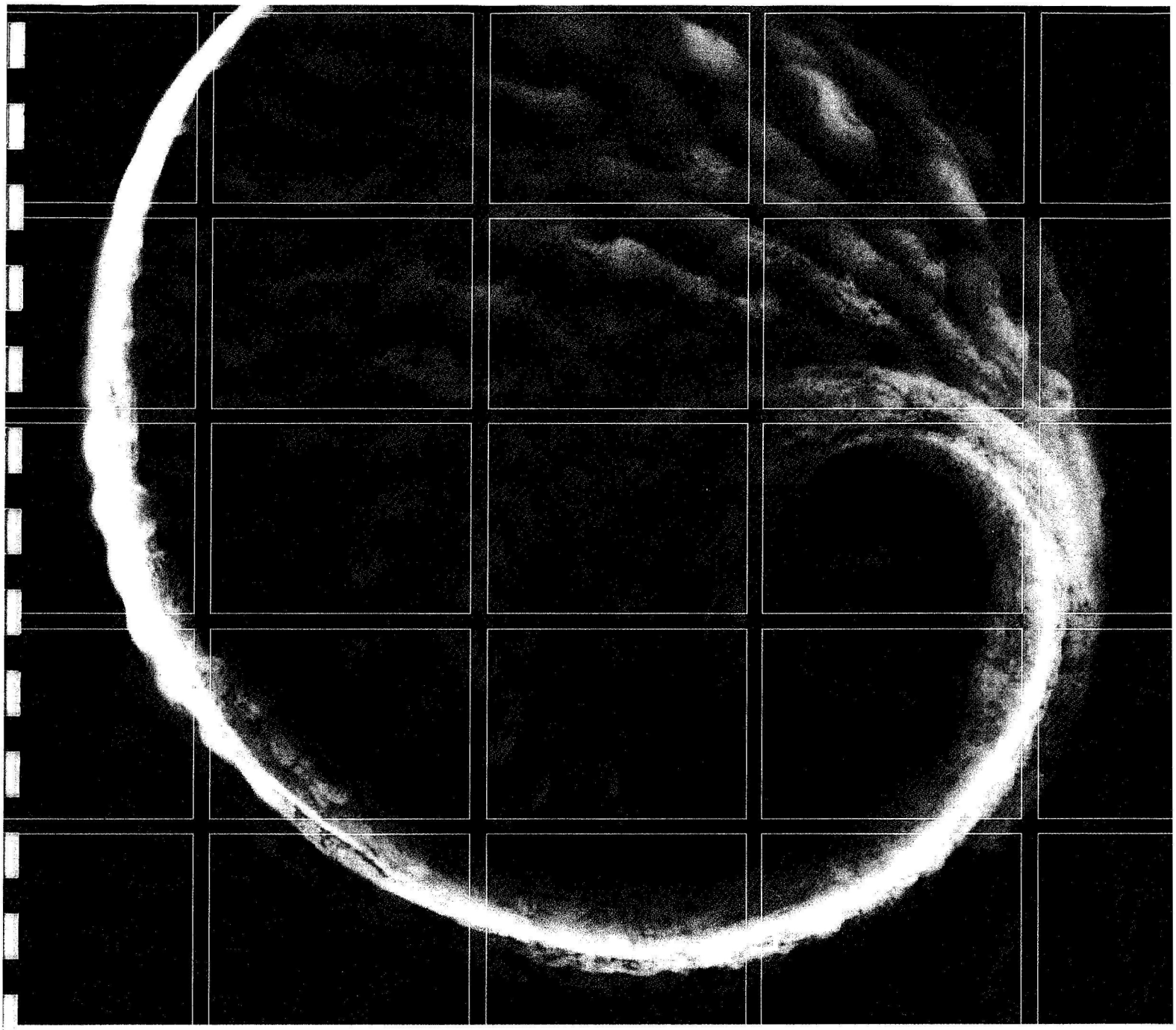
Particularly in light of the extent and elevations of PCB in the soil, we believe a meeting would be helpful to discuss the path forward. We would be happy to meet with you at USEPA's offices in Chicago, if that is most convenient for you. Please let me know your availability for such a meeting, and I will coordinate with my client to arrange a mutually convenient time.

Sincerely,

LATHROP & GAGE L.C.

By: 
James F. Thompson

Enclosures



Rogers Cartage Site
Shallow Soil Investigation

3300 Mississippi Avenue
Cahokia, Illinois 62206

June 12, 2008

ERM Project W.O. 0080214

Delivering sustainable solutions in a more competitive world

ERM®

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1.0 *INTRODUCTION AND BACKGROUND*

This report has been prepared for ConocoPhillips Pipe Line Company (CPPL) by Environmental Resources Management (ERM) for a shallow soil investigation completed at the former Rogers Cartage Site (the Site). The Site is located on the southern portion of the CPPL East St. Louis Terminal in Cahokia, Illinois.

The CPPL East St. Louis Terminal (the Terminal) is located at 3300 Mississippi Avenue in Cahokia, Illinois, west of Illinois Route 3. The Terminal is bordered by railroad lines on the east and west sides of the property. Cargill Road borders the southern edge of the property, while Hog Haven Road borders the northern property boundary. The Site is located on the southern portion of the Terminal, and is bordered by Cargill Road to the south, and an unnamed access road to the east, having the south gate at its southern terminus.

The Terminal is currently used for petroleum-related pipeline terminal activities. A site location map is included as Figure 1.

The southern portion of the Terminal property was leased to Rogers Cartage Company in the 1950's and 1960's and has not been used or occupied since approximately 1970 or 1971. Rogers Cartage reportedly hauled hazardous substances, including polychlorinated biphenyl (PCB) wastes, to disposal facilities and washed out trucks on the leased Site. Wastewater from washout activities was reportedly discharged into lagoons and drainage features adjacent to the washout area.

Previous soil investigations have been completed at the Site by CPPL and others. The results of these investigations have identified concentrations of PCBs in shallow soil above the PCB remediation waste clean-up standards of twenty-five (25) milligrams per kilogram (mg/kg) contained in Title 40, Part 761 of the Code of Federal Regulations (40 CFR 761).

A previous shallow soil investigation for PCBs in shallow soil was conducted by CPPL at the Site in February 2005 to help identify the locations of PCBs in soil above applicable remediation waste clean-up standards. The February 2005 investigation was completed in response to elevated levels of PCBs that had been historically detected south of Cargill Road, coupled with the March 2004 investigation performed on the Terminal by Pharmacia.

1.1 *LIMITATIONS AND EXCEPTIONS*

This report is based upon the application of scientific principles and professional judgment to certain facts with resultant subjective interpretations. Professional judgments expressed herein are based on the facts currently available within the limits of the existing data, scope of work, budget, and schedule.

The services provided by ERM during this project have been rendered in a manner consistent with the level of skill and care ordinarily exercised by members of the profession currently practicing under similar conditions. It is ERM's intent that the conclusions and recommendations stated herein are intended as guidance and not necessarily a firm course of action except where explicitly stated as such. The findings and conclusions presented herein apply to the environmental conditions existing at the time ERM's services were conducted.

1.2 *HEALTH AND SAFETY PLAN*

During investigation activities, ERM personnel performed work in accordance with a project health and safety plan (HASP) developed for the Site, dated January 18, 2008. An audit was conducted during field activities by representatives of both ConocoPhillips (COP) and ERM to evaluate the effectiveness of the site-specific HASP and if the HASP was implemented effectively. Findings from the audit activities were included in the HASP as a HASP addendum, dated March 2008.

2.0 *BOUNDARY SURVEY ACTIVITIES*

A boundary survey was completed for the purpose of excluding the southeastern portion of the Terminal property from the Illinois Environmental Protection Agency (IEPA) Site Remediation Program (SRP). The survey was conducted by Madison County Surveyors, an Illinois registered land surveying company, utilizing Global Positioning System (GPS) technology. As shown in Figure 2, the investigation area is roughly rectangular shaped, consisting of approximately 2.73 acres, and borders a drainage ditch that parallels the southwest side of the CPPL facility and Cargill Road.

The requested removal of this approximate 2.73 acre parcel of land from the Illinois SRP was acknowledged in writing by the IEPA on October 19, 2005. Additional telephone conversations by COP during February 2006 confirmed that the IEPA considered this parcel out of the SRP and under the jurisdiction of the United States Environmental Protection Agency (USEPA) Region V. The USEPA Region V has requested a letter from IEPA acknowledging that this parcel has been removed from the SRP; however, to our knowledge IEPA has not formally responded to that request.

3.0 *SHALLOW SOIL SAMPLING*

Soil sampling activities were conducted at the Site to better define the extent of PCB impact in the shallow soil for purposes of evaluation, development, and implementation of remedial action. The guidelines contained in 40 CFR 761.61 - *PCB Remediation Waste* were used as a preliminary screening tool for comparison of site-specific data with Low Occupancy Area (LOA) cleanup levels. These guidelines state that the LOA clean-up level for PCB remediation waste is less than or equal to 25 milligrams per kilogram (mg/kg) for soil.

Investigation activities at the Site were conducted using a two-phased approach. The first phase of this approach investigated the 2.73-acre area using a 50-foot grid system to determine the magnitude and extent of PCB impact in areas that were not tested at this spacing during previous investigations at the Site. Once the horizontal and vertical extent of the PCB impact had been determined, the second phase of the investigation focused on delineation of shallow soil impacted above the 25 mg/kg LOA standard and filling data gaps identified from the first phase of sampling activities. The first phase of investigation activities were conducted from March 3rd through March 6th, 2008, while the second phase of investigation activities were conducted on March 27th, 2008.

ERM utilized a Geoprobe 4200® all terrain vehicle (ATV)-mounted, direct push technology (DPT) rig or an AMS 9600® truck-mounted, DPT rig to install borings at the Site, depending upon the location of the soil boring. The ATV-mounted DPT rig was used in areas that were not accessible by the truck-mounted DPT rig. Mr. Dan Wilkens P.G, from ERM provided oversight for the soil boring and delineation activities. Harriss Drilling Services, Inc. performed soil boring activities.

Thirty-two (32) soil borings were advanced up to ten (10) feet below ground surface (bgs), or to DPT refusal during the first phase of investigation activities. If refusal was encountered, two off-set locations were attempted before moving to the next boring location. Nine (9) soil borings were advanced during the second phase of investigation activities to help fill data gaps from the first phase of the investigation. Most of the soil borings installed during the second phase of investigation activities were advanced to 10 feet bgs, with the exception of SB-140, which was advanced to sixteen (16) feet bgs. Soil borings installed during the first

phase activities are identified as SB-100 through SB-131. Soil borings installed during the second phase of activities are identified as SB-132 through SB-140.

A four-foot long by two-inch inner-diameter Macrocore® sampler equipped with acetate liners was used to collect the soil cores from the DPT activities. All of the soil borings were continuously logged for geologic purposes. Soil was recovered from each run of the sampling device and headspace samples were screened for the presence of total volatile organic compounds (VOCs) with a photoionization detector (PID) equipped with a 10.6 eV bulb. Soil boring locations were marked with a survey flag and wooden stake for identification during surveying activities, which were conducted on April 1, 2008.

Shallow soil samples were collected every two (2) feet for PCB analysis by USEPA Method SW-8082. All soil samples were collected in laboratory supplied containers, placed on ice, and hand delivered to Test America Laboratories in Earth City, Missouri. The samples were then shipped to the Test America Laboratory in Nashville, Tennessee for analysis. All samples collected followed standard chain-of-custody (COC) procedures.

The soil boring locations at the Site are shown on Figure 2. Copies of boring logs for soil borings installed at the Site are included in Appendix A.

3.1 DECONTAMINATION AND INVESTIGATION DERIVED WASTE

Drilling and soil boring equipment was decontaminated by an Alconox-based wash, followed by a distilled water rinse after completion at each location. Reusable sampling equipment was also decontaminated using an Alconox-based wash, followed by a distilled water rinse. Soil cuttings, personal protective equipment (PPE), and water from soil boring and drilling activities were containerized in 55-gallon steel drums. All drums were labeled, and staged at the Terminal for future disposal or treatment.

Three (3) drums containing soil cutting and PPE were picked-up by Clean Harbors Environmental Services (Clean Harbors) on May 30, 2008 for disposal at the Lone Mountain landfill facility in Waynoka, Oklahoma.

4.0 SITE INVESTIGATION RESULTS

4.1 SITE GEOLOGY

As shown in the boring logs provided in Appendix A, the geology at the Site generally consists of brown and gray clays, silts and sands. Bedrock was not encountered during investigation activities, however DPT refusal was encountered at SB-118, SB-125, and SB-138. Observations of soil in borings installed at the Site are consistent with that of fluvial deposits in the Mississippi River valley.

4.2 SHALLOW SOIL SAMPLE RESULTS

As mentioned previously, the guidelines contained in 40 CFR 761.61 were used as a preliminary screening tool for comparison of site-specific data with LOA cleanup levels. These guidelines state that the LOA clean-up level for PCB remediation waste is less than or equal to 25 mg/kg for soil.

For each sample, the results were compared to the LOA clean-up level, which is summarized in Table 1. Analytical results that exceed the LOA clean-up level are highlighted. According to the analytical laboratory report, the results are listed by individual PCB congeners. The reported congeners include:

- PCB 1016,
- PCB 1221,
- PCB 1232,
- PCB 1242,
- PCB 1248,
- PCB 1254, and
- PCB 1260.

Generally, only PCBs 1248 and 1254 were detected in the soil samples collected from the Site, with PCB 1248 detected in the majority of the soil samples analyzed. The highest PCB concentration was detected in the sample collected from 0-2 feet bgs in SB-126, at 19,300 mg/kg (PCB 1248).

In most samples collected from soil borings at the Site, concentrations of PCBs in soil above the LOA clean-up level were detected in the upper six (6) feet of the soil boring. PCB impact above the LOA clean-up standard was detected in samples collected deeper than 6 feet bgs in soil borings SB-122, SB-127, SB-138, and SB-139.

With the exception of a soil sample collected from eight (8) to ten (10) feet bgs in SB-127, all soil samples collected from eight (8) to ten (10) feet bgs were below the LOA clean-up standard. To further investigate the impact detected from eight (8) to ten (10) feet bgs in SB-127, two additional borings (SB-139 and SB-140) were installed near SB-127. SB-140 was installed to sixteen (16) feet bgs near SB-127, and sampled every two (2) feet from ten (10) to sixteen (16) feet bgs. PCB impact above the LOA clean-up standard was not detected in the samples collected from SB-140. SB-139 was installed approximately twenty (20) feet west of SB-127, and advanced to ten (10) feet bgs, with soil samples collected every two (2) feet from the boring. PCB impact was detected above the LOA clean-up standard in samples collected from SB-139 from the ground surface to eight (8) feet bgs.

Soil samples collected from SB-138 had detections of PCBs above the LOA clean-up standard to a depth of eight (8) feet bgs. However, DPT probe refusal was also experienced at eight (8) feet bgs, and therefore deeper soil samples at SB-138 were not collected. PCB impacted soil was detected above the LOA clean-up standard in a sample collected from six (6) to eight (8) feet bgs in SB-122, however the soil sample collected from eight (8) to ten (10) feet bgs had PCB detections below the LOA clean-up standard.

Environmental Visualization System (EVS) software was used to help illustrate the PCB impact in soil above the LOA clean-up standard. Views of the model illustrating impacted soil above 25 mg/kg are shown from the south and from the west, and are presented as Figures 3 and 4, respectively.

As referenced previously, a summary of analytical detections in soil samples collected from the Site are included in Table 1. Copies of the laboratory analytical reports are provided in Appendix B.

5.0 *FINDINGS*

Based upon the soil investigation activities conducted at the Site, it appears that there are several sampling locations within the investigation area that exceed the LOA clean-up standard for PCBs. As mentioned previously, most PCB impact was detected in the upper six (6) feet of the soil borings installed at the Site, with a majority of PCB impact located in the first two feet of soil at the Site. Of the PCB congeners analyzed, PCB-1248 and PCB 1254 were detected the most frequently.

The impacted soils are reported to be located in areas of historically lower elevation when Rogers Cartage operated at the Site. As shown in Figures 3 and 4, PCB impacted soil above the LOA clean-up standard appears to be generally located along the southern fence line, and extends to the north toward the middle and north-northwest corner of the investigation area. Areas along the southern fence line and in the middle of the Site are still at a lower elevation than the remainder of the Site, and appear to hold surface water after rain events.

Impacted soil was detected above the LOA clean-up standard in samples collected from SB-139, which is outside of the investigation area. This impact, along with elevated PCB detections observed in samples collected from SB-126 may suggest that there is PCB impacted soil north and west of the current investigation boundary.

Generally, the horizontal and vertical extent of PCB impacted soil has been defined within the investigation boundary, with the exception of the vertical delineation at SB-138 due to DPT probe refusal; the horizontal and vertical delineation in the north-northwest corner of the Site near SB-139 and SB-126; and the horizontal delineation in the south-southwest corner of the Site near SB-137.

Since PCB impact in soil was identified outside of the current investigation boundary, additional delineation activities near the north-northwest corner and the south-southwest corner of the Site may be warranted.